

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

PHILLIP ELMORE,

Petitioner,

Case No. 1:07-cv-776

-vs-

: Chief Judge Sandra S. Beckwith
Chief Magistrate Judge Michael R. Merz

MARC C. HOUK, Warden,

Respondent.

ORDER STAYING PROCEEDINGS

On Motion of the Petitioner (Doc. No. 14) and with the consent of the Respondent (Doc. No. 15), all further proceedings herein are stayed pending the completion of proceedings in Petitioner's case in the Ohio Supreme Court by authority of *Rhines v. Weber*, 544 U.S. 269, 125 S. Ct. 1528, 161 L. Ed. 2d 440 (2005). Petitioner's counsel shall keep this Court currently apprised of the status of the state court proceedings.

All future dates set in the Scheduling Order (Doc. No. 10) are VACATED. A new scheduling order will be entered when the state court process is complete.

May 22, 2008.

s/ **Michael R. Merz**
Chief United States Magistrate Judge